

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
24.131.301, 24.131.401, and)	
24.131.506 construction blasters,)	NO PUBLIC HEARING
24.135.401, 24.135.404, 24.135.412,)	CONTEMPLATED
24.135.545, and 24.135.2101 crane)	
and hoisting operating engineers, and)	
24.142.2101 elevator licensing)	
program renewals)	

TO: All Concerned Persons

1. On January 12, 2015, the Department of Labor and Industry proposes to repeal the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Building Codes Bureau no later than 5:00 p.m., on December 26, 2014, to advise us of the nature of the accommodation that you need. Please contact Dave Cook, Building Codes Bureau, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2053; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or dlibsdbcb@mt.gov (bureau's e-mail).

3. The rules proposed to be repealed are as follows:

24.131.301 DEFINITIONS located at ARM page 24-10961.

AUTH: 37-72-201, 37-72-202, MCA
IMP: 37-72-101, et seq., MCA

REASON: The department is repealing this rule as unnecessary, since the relevant terms are defined elsewhere in statute. Additionally, this rule references the Business and Occupational Licensing Bureau, which no longer exists following the reorganization of the Business Standards Division.

24.131.401 PURPOSE located at ARM page 24-10967.

AUTH: 37-72-201, 37-72-202, MCA
IMP: 37-72-101, et seq., MCA

REASON: The department determined it is reasonably necessary to repeal this rule as unnecessary, as it describes the purpose of the Business and Occupational Licensing Bureau which no longer exists after a reorganization of the Business

Standards Division.

24.131.506 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW CONSTRUCTION BLASTER'S LICENSE located at ARM page 24-10995.

AUTH: 37-72-202, MCA

IMP: 37-72-203, MCA

REASON: The department is repealing this rule as unnecessary, since the provisions regarding reprimand, suspension, and revocation of construction blaster licenses are addressed in statute at 37-72-203, MCA.

24.135.401 PURPOSE located at ARM page 24-11519.

AUTH: 50-71-301, MCA

IMP: 50-71-301, 50-76-102, 50-76-103, MCA

REASON: The department determined it is reasonably necessary to repeal this rule as unnecessary, as it describes the purpose of the Business and Occupational Licensing Bureau which no longer exists after a reorganization of the Business Standards Division.

24.135.404 CITATIONS AND FINES located at ARM page 24-11519.

AUTH: 50-76-112, MCA

IMP: 50-76-102, 50-76-103, 50-76-114, MCA

REASON: The department is repealing this rule as unnecessary, as the provisions regarding citations and waiver of the accompanying fine are adequately addressed in statute at 50-76-114, MCA.

24.135.412 FAILED EXAMINATIONS located at ARM page 24-11526.

AUTH: 50-76-112, MCA

IMP: 50-76-103, 50-76-108, MCA

REASON: The department is repealing this rule as unnecessary, as the waiting period before reexamination is clearly set forth in 50-74-311, MCA.

24.135.545 NATIONAL COMMISSION CERTIFICATION located at ARM page 24-11573.

AUTH: 50-76-112, MCA

IMP: 50-76-113, MCA

REASON: The department is repealing this rule as unnecessary, since its provisions are adequately addressed in statute at 50-76-113, MCA.

24.135.2101 RENEWALS located at ARM page 24-11651.

AUTH: 50-76-112, MCA

IMP: 37-1-141, 50-76-103, MCA

REASON: The department determined it is reasonably necessary to repeal this rule since it merely references department rules on the standardized renewal process. Additionally, the biennial physical examination requirement is adequately addressed in 50-76-103, MCA.

24.142.2101 RENEWALS located at ARM page 24-12889.

AUTH: 37-73-102, MCA

IMP: 37-1-403, 37-73-220, MCA

REASON: The department is repealing this rule as unnecessary, since the department administers a standardized renewal process for all division programs and boards.

4. Concerned persons may submit their data, views, or arguments concerning the proposed repeal in writing to the Building Codes Bureau, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or e-mail to dlibsdbcb@mt.gov, to be received no later than 5:00 p.m., January 9, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Dave Cook at the above address no later than 5:00 p.m., January 9, 2015.

6. If the board receives requests for a public hearing on the proposed repeals from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 183 persons based on current program licensees.

7. An electronic copy of this notice is available at www.buildingcodes.mt.gov (bureau's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although

the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The program maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Building Codes Bureau, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2050, e-mailed to dlibsdbcb@mt.gov, or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of ARM 24.131.301, 24.131.401, 24.131.506, 24.135.401, 24.135.404, 24.135.412, 24.135.545, 24.135.2101, and 24.142.2101 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination(s) is available upon request to the Building Codes Bureau, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; facsimile (406) 841-2050; or e-mail dlibsdbcb@mt.gov.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 1, 2014